

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERCER HEALTH & BENEFITS LLC,

Plaintiff,

-against-

MATTHEW DIGREGORIO, JOANNE STEED,  
JADA PRESTON and LOCKTON COMPANIES,  
LLC,

Defendants.

Case No.: \_\_\_\_\_

**DECLARATION OF JOANNA  
MARINI**

**JOANNA MARINI**, declares pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury that the following is true and correct:

1. I am a Principal at Mercer Health & Benefits LLC (“Mercer”). Except where otherwise stated, I make this declaration based on my personal knowledge.

2. I joined Mercer in February 2009 as a Senior Consultant. In March 2014, I was promoted to Principal.

3. As a Principal at Mercer, I am responsible for managing client relationships and ensuring client retention by evaluating client risks and developing solutions to address client needs. I serve as primary client contact for day-to-day client needs and client questions.

4. I work closely with Sales Professionals, like Matthew DiGregorio (“DiGregorio”), who are responsible for generating new client business and growing business with existing clients.

5. On or about January 17, 2018, I learned that DiGregorio and two other employees resigned their positions at Mercer to begin working at Lockton Companies.

6. At the time I learned about DiGregorio's departure and the departure of two other colleagues I was with a client assisting the client with their annual open enrollment process. The client, "Client A," is a Florida based corporation which owns and operates laser eye surgery centers throughout the country.

7. Mercer has provided health and benefits solutions to Client A, since August 2017. I met Client A's current Chief Financial Officer while he was an employee of another client of mine. Client A became a Mercer client based on my prior relationship with the CFO.

8. Although DiGregorio has done work with Client A, I did not immediately notify Client A of DiGregorio's departure because I am the relationship manager for the client and would continue to be, even after DiGregorio's departure.

9. During the week of January 22, 2018, while I was assisting the client with its annual open enrollment process, Client A's Vice President for Human Resources mentioned to me that DiGregorio called him on or about January 19th. I learned that DiGregorio told the Vice President for Human Resources that he resigned his position at Mercer and accepted a position at Lockton.

10. Thereafter, on February 7, 2018, I received two emails from Tim Burns, the Chief Financial Officer of "Client B," a nationwide steel fabricator based in Florida that has had a client relationship with Mercer since 2010. Copies of the emails are collectively attached at **Exhibit G**.

11. In the first email, Mr. Burns forwarded to me an email he received from DiGregorio's Lockton email address, entitled "Announcement" in which DiGregorio wrote, in part: "I wanted to formally announce that I have taken on a new role with the largest private held property, casualty, and employee benefits broker in the country Lockton Companies as a Senior

Vice Present out of our Miramar, FL office. Please see below and attached for my new contact information I look forward to connecting with you in the near future and have a wonderful day!”

*See Exhibit G.*

12. Mr. Burns wrote to me, in his first email: “So I guess Matthew left and took my email address with [him].” *See Exhibit G.*

13. Mr. Burns also forwarded me a second email that he received from DiGregorio’s Lockton email address, thirty-four minutes after he received the first email. The second email contained the same “Announcement” as the first email. *See Exhibit G.*

Dated: February 26, 2018  
Sunrise, Florida

  
\_\_\_\_\_  
Joanna Marini

# **EXHIBIT G**

**Clark, Shawn Matthew**

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**From:** Tim Burns <TBurns@sfab.com>  
**Sent:** Wednesday, February 07, 2018 11:26 AM  
**To:** Marini, Joanna  
**Subject:** FW: Announcement  
**Attachments:** Matthew DiGregorio.vcf

So I guess Matthew left and took my email address with.

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**From:** "DiGregorio, Matt" <[MDiGregorio@lockton.com](mailto:MDiGregorio@lockton.com)>  
**Date:** Wednesday, February 7, 2018 at 10:44 AM  
**To:** "DiGregorio, Matt" <[MDiGregorio@lockton.com](mailto:MDiGregorio@lockton.com)>  
**Subject:** Announcement

\* External Email Address\*

Hello,

I hope this message finds you well.

I wanted to formally announce that I have taken on a new role with the largest privately held property, casualty, and employee benefits broker in the country Lockton Companies as a Senior Vice President out of our Miramar, FL office. Please see below and attached for my new contact information. I look forward to connecting with you in the near future and have a wonderful day!

Best Regards,

Matt D.

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**Matthew DiGregorio**  
**Senior Vice President**  
**Lockton Companies**  
**(Southeast Series)**  
3601 SW 160<sup>th</sup> Avenue, Suite 200  
Miramar, FL, 33027  
Tel: 954-883-2135  
Mobile: 610-203-4251  
Fax: 954-883-2099  
Email: [mdigregorio@Lockton.com](mailto:mdigregorio@Lockton.com)  
[www.lockton.com](http://www.lockton.com)

**Matthew DiGregorio**  
Lockton Companies  
Senior Vice President

(954) 883-2135 Work  
(610) 203-4251 Mobile  
[MDiGregorio@lockton.com](mailto:MDiGregorio@lockton.com)  
3601 SW 160th Ave # 200,  
Miramar, FL 33027



**Clark, Shawn Matthew**

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**From:** Tim Burns <TBurns@sfab.com>  
**Sent:** Wednesday, February 07, 2018 11:26 AM  
**To:** Marini, Joanna  
**Subject:** FW: Announcement  
**Attachments:** Matthew DiGregorio.vcf

and because he is proud of his move he has sent me the same email twice.

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**From:** "DiGregorio, Matt" <[MDiGregorio@lockton.com](mailto:MDiGregorio@lockton.com)>  
**Date:** Wednesday, February 7, 2018 at 11:18 AM  
**To:** "DiGregorio, Matt" <[MDiGregorio@lockton.com](mailto:MDiGregorio@lockton.com)>  
**Subject:** Announcement

\* External Email Address\*

Hello,

I hope this message finds you well.

I wanted to formally announce that I have taken on a new role with the largest privately held property, casualty, and employee benefits broker in the country, Lockton Companies, as a Senior Vice President out of our Miramar, FL office. Please see below and attached for my new contact information. I look forward to connecting with you in the near future and have a wonderful day!

Best Regards,

Matt D.

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